

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HUNTER'S PRECISION CONSTRUCTION
& ROOFING, INC. AND CENTRAL UNITED
METHODIST CHURCH OF ALBUQUERQUE,
INSURED AS AND A/K/A CENTRAL
ALBUQUERQUE UNITED METHODIST CHURCH,

Plaintiffs,

v.

Case No. 22-cv-00483 KG/SCY

UNITED METHODIST INSURANCE
COMPANY, INC., CUSTARD INSURANCE
ADJUSTERS, INC., SHELLY HUGHES-HUMBLES,
JEFFREY KOCH, and GALLAGHER BASSET
SERVICES, INC.,

Defendants.

ORDER AWARDING FEES

In response to the Court's Memorandum Opinion and Order granting Plaintiffs' motions to remand and for costs and fees, Plaintiffs timely filed their Affidavit Regarding Attorney Fees (Doc. 25). Noting that Defendants filed a Notice of Non-Opposition (Doc. 28), the Court awards Plaintiffs their requested fees as described below.


The Court granted fees pursuant to 28 U.S.C. § 1447(c), which allows that an "order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal." Though the statute limits fees to those actually "incurred" rather than those that are "reasonable," the Tenth Circuit has instructed that § 1447 "requires the district court to conduct some sort of reasonableness inquiry." *Huffman v. Saul Holdings Ltd. P'ship*, 262 F.3d 1128, 1135 (10th Cir. 2001). The Court must also determine

that any fees requested were “actually ‘incurred,’ that is, they must reflect efforts expended to resist removal.” *Id.*

Based on the filed Affidavit, the Court finds that (1) the 17.5 hours billed were reasonable for the task at hand, (2) that the \$350- to \$400-per-hour rates claimed are reasonable because while marginally higher than expected, they fall within the local range of hourly rates, and (3) that all fees claimed were incurred producing the Motion to Remand or the Reply.

It is ordered, therefore, that Plaintiffs are awarded \$6,550.00 in costs and fees against Defendants. Payment is due by January 15, 2023. Defendants will file a Notice of Satisfaction once payment has been made.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE